



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 104 of 1974

An Act to approve the Agreement made between the Government of the Commonwealth of Australia and the Government of the State for the construction of a standard gauge railway between Tarcoola in South Australia and Alice Springs in the Northern Territory.

[Assented to 5th December, 1974]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Tarcoola to Alice Springs Railway Agreement Act, 1974". Short title.

2. In this Act—

Interpretation

"the Agreement" means the agreement a copy of which is set out in the schedule to this Act:

"the railway" means the railway between Tarcoola in South Australia and Alice Springs in the Northern Territory which is proposed to be constructed under the said Agreement.

3. (1) The Agreement is approved.

Approval
of the
Agreement.

(2) The Government of the State may do or cause to be done all such acts, matters and things as are necessary to carry the Agreement into operation.

4. The State hereby consents to the carrying out by the Commonwealth of the railway and railway works which the Commonwealth undertakes by the Agreement to carry out.

Consent of
State to the
construction
of the
railway.

s. 2.

THE SCHEDULE

AGREEMENT made the tenth day of April one thousand nine hundred and seventy-four between THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA (in this agreement called "the Australian Government") of the one part and THE GOVERNMENT OF THE STATE OF SOUTH AUSTRALIA (in this agreement called "the State Government") of the other part.

WHEREAS it is desirable that a 1 435 millimetre gauge railway be constructed between Tarcoola in South Australia and Alice Springs in the Northern Territory:

NOW IT IS HEREBY AGREED as follows:

1. This agreement shall have no force or effect and shall not be binding upon either party until it has been approved by the Parliament of the Commonwealth and the Parliament of the State and the consent of the State has been given by the Parliament of the State for the construction of the South Australian portion of the railway.

2. The Australian Government will at its own expense construct a 1 435 millimetre gauge railway (in this agreement called "the railway") consisting of—

(a) a railway in the State between Tarcoola on the Kalgoorlie to Port Augusta Railway and the point at which the route of the railway established in accordance with clause 3 of this agreement meets the northern boundary of South Australia (for the purposes of this agreement designated the South Australian portion of the railway);

and

(b) a railway in the Northern Territory connecting the point on the boundary with South Australia referred to in the preceding subparagraph with Alice Springs (for the purposes of this agreement designated the Northern Territory portion of the railway).

3. (1) Subject to this clause the route of the railway shall be as described in the Schedule to this agreement.

(2) The Commonwealth Railways Commissioner may make such deviations from the route of the railway described in the Schedule to this agreement as are, in his opinion, necessary or reasonable for the better construction and working of the railway.

4. (1) The State Government will grant to the Australian Government or to the Commonwealth Railways Commissioner free of charge an estate in fee simple, without reservation of minerals and unlimited as to depth, in any Crown lands that are certified by the Commonwealth Railways Commissioner to be required for or in connection with the construction, maintenance or operation of the railway, including any lands leased by the Crown which have become Crown lands by virtue of—

(a) the surrender by the lessees of their estates in the land to the Crown;

or

(b) the surrender of those estates to the Crown after they have been acquired by the Australian Government or the Commonwealth Railways Commissioner.

(2) The State will grant to the Australian Government or to the Commonwealth Railways Commissioner free of charge any stone, soil and gravel in or on any Crown lands or lands leased by the Crown from which the State Government has a right to take the same that is certified by the Commonwealth Railways Commissioner to be required for or in connection with the construction, maintenance or operation of the railway.

(3) For the purposes of this clause "Crown lands" has the same meaning as in the Crown Lands Act, 1929-1973 of the State.

5. When services commence on the railway it shall be the route for rail services between Port Augusta and Alice Springs in place of the route through Marree but rail services between Port Augusta and Marree will not be terminated for so long as those services are required for the provision of coal from Leigh Creek to the powerhouse at Port Augusta.

6. As from the date on which this agreement comes into force the following provisions of agreements between the Australian Government and the State Government are rescinded—

(a) paragraphs (d) and (f) of clause (1) of the Agreement approved by the Northern Territory Acceptance Act 1910-1952 of the Commonwealth and the Northern Territory Surrender Acts, 1907-1919 of the State;

(b) such of the provisions of the Agreement dated the 18th day of September 1925 and approved by the Railways (South Australia) Agreement Act 1926 of the Commonwealth and the North-South Railway Agreement Act, 1926 of the State as were not rescinded by clause 12 of the Agreement dated the 29th day of November 1935 and approved by the Port Augusta to Port Pirie Railway Act 1935 of the Commonwealth and the Redhill to Port Augusta Railway Agreement Act, 1935 of the State, namely, clauses 1 to 4 and 16 to 19 (both inclusive in each case);

(c) paragraph (a) of clause 21 of the Agreement the execution of which by the Australian Government was authorised by the Railway Standardization (South Australia) Agreement Act 1949 and which was approved by the Railway Standardization Agreement Act, 1949 of the State.

THE SCHEDULE

ROUTE OF THE RAILWAY

PART I

SOUTH AUSTRALIAN PORTION

Commencing from Tarcoola Railway Station on the Kalgoorlie to Port Augusta Railway the line runs westerly on a bearing of 264 degrees for a distance of approximately 5 kilometres: thence northerly on a mean through bearing of 02 degrees for a distance of about 153 kilometres to a point approximately 3 kilometres northeast from Robin Rise Trigonometrical Station, passing to the east of Gibraltar Rocks and Birthday Trigonometrical Station and to the west of Lake Wirrida and Carringallana Creek and to the east of Lake Philipson: thence on a bearing of approximately 320 degrees for a distance of about 18 kilometres, crossing Long Creek: thence on a bearing of 345 degrees for a distance of about 39 kilometres, crossing the Stuart Highway at a point approximately 5 kilometres southeast from Mabel Creek Homestead and crossing Mabel Creek approximately 4 kilometres upstream from the Stuart Highway crossing: thence on a mean through bearing of 340 degrees for a distance of about 55 kilometres to a point on the headwaters of Pootnoura Creek, recrossing the Stuart Highway: thence northerly and lying to the west of the Stuart Highway on a bearing of approximately 352 degrees for a distance of about 69 kilometres, passing to the west of Mount Willoughby Homestead: thence northwesterly on a bearing of 323 degrees for a distance of about 112 kilometres to a point approximately 5 kilometres southeast from Mount Chandler Trigonometrical Station, passing to the west of Wintinna Homestead and to the east of Aston Minor Trigonometrical Station and Wintinna Hill and to the east of Marla Bore and Mount Johns: thence northerly on a mean through bearing of 02 degrees for a distance of about 113 kilometres, passing through the Indulkana Range about 13 kilometres west from Granite Downs Homestead, crossing the Alberga River and several of its tributaries, passing to the east of De Rose Hill and to the west of Mount Howe and reaching the South Australia/Northern Territory Border at a point approximately 20 kilometres east from the Stuart Highway and at a route distance of about 565 kilometres from Tarcoola.

PART II

NORTHERN TERRITORY PORTION

After crossing the South Australia/Northern Territory Border at a point approximately 20 kilometres east of the Stuart Highway and at a route distance of about 565 kilometres from Tarcoola the line continues on a mean through bearing of 11 degrees for a distance of about 121 kilometres to a crossing point of the Finke River approximately 17 kilometres upstream from Idracowra Station Homestead, passing to the east of Kulgera and to the west of Mount Kingston, lying east of Kalamerta Creek and crossing Karinga Creek: thence on a mean through bearing of 13 degrees for a distance of about 78 kilometres, crossing the Hugh River and traversing a pass in the James Ranges between Mount Grevillea and Mount Peachy: thence northerly on an approximate bearing of 00 degrees for a distance of about 45 kilometres to cross the Stuart Highway at a point approximately 10 kilometres from Alice Springs Airport turnoff: thence northeasterly on a bearing of 39 degrees for a distance of about 9 kilometres to meet the existing narrow gauge Central Australia Railway at a point approximately 10 kilometres south from the Alice Springs Railways Station: thence turning northerly to follow adjacent to the existing line and enter Alice Springs through Heavitree Gap on the same general alignment as the existing railway: the through distance of the projected route of the railway from Tarcoola to Alice Springs being about 830 kilometres.

IN WITNESS WHEREOF this agreement has been executed on behalf of the Australian Government and of the State Government respectively as at the day and year first above written.

SIGNED by the Honourable EDWARD GOUGH WHITLAM,
Prime Minister, in the presence of—
M. DeLANEY } E. G. WHITLAM

SIGNED by the Honourable DONALD ALLAN DUNSTAN,
Premier, in the presence of—
GEOFF VIRGO } D. A. DUNSTAN

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor